

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA
CRIMINAL NO. 22-162 (DSD/TNL)

United States of America,

Plaintiff,

v.

ORDER

Joshua Gunnar Olson,

Defendants.

This matter is before the court on the objection by defendant to the November 4, 2024, order of Magistrate Judge Tony N. Leung continuing defendant's competency due to the unavailability of a key witness.

The district court will modify or set aside a magistrate judge's order on a nondispositive issue only if it is clearly erroneous or contrary to law. 28 U.S.C. § 636(b)(1)(A); Fed. R. Civ. P. 72(a); D. Minn. L.R. 72.2(a). This is an "extremely deferential" standard. Reko v. Creative Promotions, Inc., 70 F. Supp. 2d 1005, 1007 (D. Minn. 1999). "A finding is clearly erroneous when although there is evidence to support it, the reviewing court on the entire evidence is left with the definite and firm conviction that a mistake has been committed." Chakales v. Comm'r of Internal Revenue, 79 F.3d 726, 728 (8th Cir. 1995) (citations and internal quotation marks omitted). "A decision is

contrary to law when it fails to apply or misapplies relevant statutes, case law or rules of procedure.” Knutson v. Blue Cross & Blue Shield of Minn., 254 F.R.D. 553, 556 (D. Minn. 2008) (citations and internal quotation marks omitted).

The court finds no basis on which to overturn the magistrate judge’s decision. There is indeed good cause to delay the hearing.

Accordingly, based on the above, **IT IS HEREBY ORDERED** that the objection [ECF No. 124] to the magistrate judge’s order is overruled.

Dated: November 19, 2024

s/David S. Doty
David S. Doty, Judge
United States District Court